



Atty. Dkt. No. 071949-1307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler

Title: DIAGNOSTIC DEVICES AND
APPARATUS FOR THE
CONTROLLED MOVEMENT OF
REAGENTS WITHOUT
MEMBRANES

Appl. No.: 09/613,650

Filing Date: 07/11/2000

Examiner: TBA

Art Unit: 1641

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. <u>Suzanne L. Simpson</u> (Printed Name) (Signature) <u>10/11/01</u> (Date of Deposit)

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
Box IDS
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98. Furthermore, the Applicant herein supplements the previously submitted Information Disclosure Statement, filed January 25, 2001 with the United States Patent & Trademark Office in the above-identified parent application. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of

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the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR § 1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO-1449 was cited as being relevant during the prosecution of the corresponding Japanese application. A copy of the Japanese Search Report, dated August 7, 2001 is attached setting forth the portion of each document considered relevant by the examiner. An English-language counterpart of the foreign-language documents has been provided.

BRIEF SUMMARY

JP-A-3-223674

The above-captioned patent discloses a method for simultaneously measuring several items with respect to specimens. This is achieved by providing a reaction unit having a passage with at least one fluid inlet and having at least one reagent fixing part on the way of the passage on the downstream side of the inlet.

JP-A-1-203038

The above-captioned patent discloses a device for performing agglutination immunoassays comprising a first, hydrophilic surface which has channels such that, when placed in contact with a second surface, an agglutination reaction chamber is formed, which is able to conduct fluid by capillary action. The disclosed device is useful for

automated diagnostic testing of many specimens and/or simultaneously performing many tests in a single specimen.

JP-A-57-113364

The above-captioned patent discloses a device whereby it is possible to eliminate from reagent distributing operation and also to reproduce a constant reacting condition at all times, by enabling a closed type reagent preserving container to serve the purpose of a reaction container at the same time.

JP-A-57-156028

The above-captioned patent discloses a reaction vessel device having a first and second zones interconnected by way of interacting passageways. The passageways consist of a meniscus control feature for regulating the meniscus, thus forming the leading edge of capillary flow along the passageway from the first zone to the second zone. The flow of liquid into the second zone only occurs when sufficient pressure is applied to the liquid in the first zone.

JP-A-62-129759

The above-captioned patent discloses a method for determining and measuring the presence of an amount of an analyte. An assay based on measuring blood coagulation time is preformed by inserting into an electronic monitor a housing with a capillary passage between an inlet port and a vent, and a reagent inducing blood clotting on the passage surface, and thus, introducing a sample into the port before or after placing in the monitor.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise

herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date October 11, 2001

FOLEY & LARDNER
Customer Number: 23620

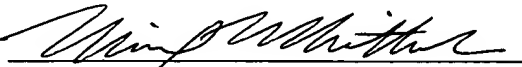
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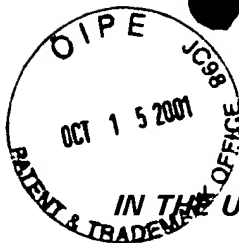
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By 

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Registration No. 46,230



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STATEMENT PURSUANT TO 37 C.F.R. §1.97(e)(1)

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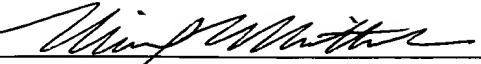
Sir:

Pursuant to 37 C.F.R. §1.97(e)(1), the undersigned Attorney of record hereby states that each item of information contained in the Supplemental Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Supplemental Information Disclosure Statement.

Respectfully submitted,

Date October 11, 2001

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